

MOTION BY SUPERVISOR KATHRYN BARGER

May 3, 2022

Support for Assembly Bill 1815: Cultural Heritage Preservation

The Los Angeles County Board of Supervisors has established itself as an advocate for victims, and that should include those who have had their cultural heritage destroyed. Cultural heritage preservation has been a topic of conversation on a national scale for more than a century. In 1907, the Second Hague Conference established the destruction of cultural heritage as a crime of war in the Hague Regulations. These established regulations were affirmed to be international law, binding all states by them, at the Nuremberg Trials in 1945. By 1954, 127 states ratified the Hague Convention for Protection of Cultural Property, which outlined obligations to not destroy cultural artifacts and heritage.

However, formal enforcement of these values is rare. In limited examples, in the process of prosecuting the destruction of cultural heritage, individuals, not states, were considered liable. Only recently, states began to be held accountable for state-directed destruction of cultural heritage, artifacts, and sites. While the International Criminal Court was created to prosecute individuals for breaking international law, the

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International Court of Justice was established to prosecute states. However, it was not until this past year that the Court of Justice weighed in on cultural heritage destruction. On December 7, 2021, in the case Armenia v. Azerbaijan, Armenia claimed that Azerbaijan was guilty of, among other things, the destruction of Armenian cultural heritage. The Court of Justice produced a provisional order that Azerbaijan take “all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage, including but not limited to churches and other places of worship, landmarks, cemeteries and artifacts.” This was the first time the court directly adjudicated an alleged and intentional cultural heritage destruction case. Armenian lawyers argued that such action violated the Convention on the Elimination of All Forms of Racial Discrimination, which can now make way for states to pursue similar cases. Advocates and legislators anticipate more court orders against the destruction of cultural heritage to grow in the years to come.

Currently, California is restricted in its ability to impose costs on jurisdictions who destroy cultural heritage. However, California can inflict a penalty on a guilty jurisdiction by cutting it off from two of California’s major enticements: universities and museums. These assets are among the most sought-after spaces for cultural exchange. Because museums and universities are so integrally tied to exploration, promotion, and education about cultural heritage, it would be unjust for universities to exchange professors or for museums to exchange items with states or nations that are guilty of destroying another group’s cultural artifacts.

Assembly Bill 1815, authored by Assemblymember Adrin Nazarian, seeks to enforce the practice of cutting ties with jurisdictions that commit cultural destruction. The bill

would prohibit California universities from inviting or sponsoring professors on campus if the professor is employed by a jurisdiction that was found to have committed destruction of cultural heritage by the International Court of Justice. The bill would also prohibit museums that receive public funding from displaying government-funded cultural artifacts derived from countries found to have committed the destruction of cultural heritage by the International Court of Justice.

Assemblymember Nazarian has been in contact with the Los Angeles County Museum of Art (LACMA), which has provided its feedback and amendments to the bill. With the guidance of LACMA CEO Michael Govan, the bill now indicates that the decision to choose what art to acquire is ultimately at the discretion of the museum. Additionally, the bill clarifies, with the guidance of LACMA, that the art cannot be funded by the jurisdiction in question, but it can be made by citizens of that jurisdiction. While the Department of Arts and Culture would not be directly impacted by AB 1815, the spirit of cultural heritage and cultural preservation aligns with the Department's mission, as well as the L.A. County Cultural Equity and Inclusion Initiative and Cultural Policy.

More than ever, it is crucial for our local and state governments to stand united for the good of our communities. This bill aims to send a strong message to oppressive leadership around the world that California, with the support of Los Angeles County, is committed to stand with victims and uplift voices for freedom and justice.

I THEREFORE MOVE that the Board of Supervisors direct the CEO Legislative Affairs and Government Relations branch to send a five-signature letter in support of Assembly Bill 1815 to Assemblymember Nazarian, with a copy to the County's Legislative Delegation.

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